

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Richard Swygert

Docket No. 4:16-CR-10-1H

Petition for Action on Supervised Release

COMES NOW Melissa K. Gonigam, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Richard Swygert, who, upon an earlier plea of guilty to Use/Discharge of Firearm in Relation to a Crime of Violence Causing Death, in violation of 18 U.S.C. § 924(j) and 2, and Conspiracy to Distribute and Possess with Intent to Distribute Crack Cocaine, in violation of 21 U.S.C. § 846, was sentenced by the Honorable Laura Taylor Swain, United States District Judge for the Southern District of New York, on May 19, 2015, to the custody of the Bureau of Prisons for Time Served. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 3 years.

Richard Swygert was released from custody on May 19, 2015, at which time the term of supervised release commenced in the Southern District of New York. Supervision was transferred to the Eastern District of North Carolina and subsequently jurisdiction was transferred from the Southern District of New York to the Eastern District of North Carolina on January 14, 2016.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On December 1, 2016, Swygert submitted to urinalysis that tested positive for marijuana. On December 13, 2016, the undersigned probation officer confronted the defendant regarding the violation. Swygert signed an admission form indicating he last used marijuana on or about November 26, 2016.

As a sanction for the violation, the probation officer respectfully recommends the conditions of supervised release be modified to include the DROPS Program at the second use level.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days; The defendant shall begin the DROPS Program in the second use level.

Except as herein modified, the judgment shall remain in full force and effect.

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Reviewed and approved,


I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Dwayne K. Benfield
Dwayne K. Benfield
Supervising U.S. Probation Officer

/s/ Melissa K. Gonigam
Melissa K. Gonigam
U.S. Probation Officer
201 South Evans Street, Rm 214
Greenville, NC 27858-1137
Phone: (252) 830-2345
Executed On: December 14, 2016

ORDER OF THE COURT

Considered and ordered this 15th day of December, 2016, and ordered filed and
made a part of the records in the above case.



Malcolm J. Howard
Senior United States District Judge